

REMARKS

Claims 1-4, 6, 11, and 14-16 are now pending in this application. Favorable reconsideration of the application in light of the following comments is respectfully solicited.

In section 5 of the Office Action, claims 1-4, 6, 11, and 14-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,671,323 (Tahara) in view of U.S. Patent No. 6,075,900 (Sakazawa) and U.S. Patent No. 5,241,383 (Chen). Applicants respectfully traverse.

Independent claim 1 recites, *inter alia*,

moving the user data to a third level of the hierarchical data structure, and changing the parameter to reflect the change in code size effected by the moving.

Independent claim 11 recites, *inter alia*,

moving the user data to a third level of the hierarchical data structure, [and] changing the parameter to reflect the change in code size effected by moving the user data.

In each of the claims, the recited parameter is included in an input code, and an output code is generated by modifying the input code by, *inter alia*, changing the parameter, as recited.

Accordingly, the parameter is changed to reflect the change in code size effected by moving user data between levels of a hierarchical data structure. Embodiments of the above limitations can perform a code translation by changing parameters showing the upper and lower limits, and a code translation can be performed by moving codes among the levels of the hierarchy without quantization or variable length encoding.

As explained in on pages 7-8 of Applicants' Amendment filed on December 4, 2008, and acknowledged at page 8, lines 14-17 of the Office Action, Tahara and Sakazawa do not render

obvious “changing the parameter,” as recited in claims 1 and 11. Seeking to bridge this gap between the claims and the cited art, the Office Action asserts Chen discloses “changing the parameter” as recited in the claims.

Chen shows an algorithm to adjust quantization parameters. Chen, col. 5, lines 13-18 explains “[t]he output of the coder 20 is a variable bit rate. . . . The bit rate also varies depending on quantization parameters.” Further, Chen, col. 5, lines 32-42 states:

a feedback technique is utilized wherein the content of the buffer 22 controls the quantization parameters utilized in the processors 14, 16, and 18. Specifically, the quantization parameters are adjusted to control the number of code bits generated to maintain the contents of the buffer 22 in a predetermined range. Thus, the content of the buffer (i.e., the fraction of its storage space which is occupied) is fed back to a quantizer adjustment processor 26 to control the quantization parameters utilized in the intra-frame, predictive, and interpolative coding modes.

The quantization parameters are adjusted according to the actual number of generated bits, and adjusted by moving codes between levels of a hierarchical data structure. In Chen, the adjustment of the parameter aims to encode a higher quality image by adjusting the quantization parameter within a limited range of a bit rate (data amount). *See* Chen, col. 2, lines 44-51 and col. 8, lines 62-64.

However, the “quantization parameters” discussed in Chen are not a parameter included in an input code which is modified to generate an output code, as recited in the claims. Nor does Chen disclose or suggest “changing the parameter to reflect [a] change in code size effected by [a] moving” of user data between hierarchical levels. Instead, the quantization parameters are employed to control a quantizer, and adjusted in a manner such that a variable rate encoding resulting from the quantization maintains the contents of a rate buffer within predetermined limits. *See* Chen, Abstract. The quantization parameters in Chen are readily distinguished from the “parameter” recited in claims 1 and 11, and Chen does not disclose or suggest “changing the

parameter to reflect the change in code size effected by the moving,” as recited in claim 1, or “changing the parameter to reflect the change in code size effected by moving the user data,” as recited in claim 11. Thus, Chen does not bridge the acknowledged gaps between the claims and Tahara and Sakazawa, and the claims are not rendered obvious by the cited art. Accordingly, Applicants respectfully request withdrawal of the rejection of independent claims 1 and 11, and the remainder of the claims, which depend thereon.

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner’s amendment, Examiner is requested to call Applicants’ attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Eric M. Shelton

Registration No. 57,630

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF/EMS:amz
Facsimile: 202.756.8087
Date: June 5, 2009

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as our correspondence address.**